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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/062,785

01/31/2002

Robert H. Folk II

D2737

3363

27774

7590

06/07/2004

MAYER, FORTKORT & WILLIAMS, PC  
251 NORTH AVENUE WEST  
2ND FLOOR  
WESTFIELD, NJ 07090

EXAMINER

NGUYEN, JIMMY H

ART UNIT

PAPER NUMBER

2673

DATE MAILED: 06/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Interview Summary

Application No.

10/062,785

Applicant(s)

FOLK, ROBERT H.

Examiner

Jimmy H. Nguyen

Art Unit

2673

All participants (applicant, applicant's representative, PTO personnel):

(1) Jimmy H. Nguyen.

(3) \_\_\_\_\_.

(2) Michael Fortkort (applicant's rep.).

(4) \_\_\_\_\_.

Date of Interview: 03 June 2004.

Type: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.

If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: the proposed amended claims 1, 11 and 23.

Identification of prior art discussed: Sullivan et al. (USPN: 6,593,973 B1).

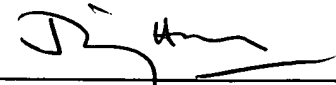
Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Examiner agreed that the references cited in the last Office Action, especially the Sullivan reference, do not teach a new feature, "to create a combined video and graphic so that both the graphic and the received broadcast video are simultaneously displayed on the display device", as recited in the proposed amended claims 1, 11 and 23. See the attached proposed amendment.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

  
Examiner's signature, if required

## Summary of Record of Interview Requirement

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

#### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

##### Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

#### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

*Proposed*

Docket: D2737  
Serial No. 10/062,785

**In The Claims:**

Please amend claims 1, 11 and 23 as follows:

1. (Currently Amended) A method for incorporating a graphic with a received ~~video~~ broadcast video displayed on a display device comprising:

inputting at least one instruction corresponding to a graphic into an input device;

storing said at least one instruction in said input device;

transmitting data corresponding to said at least one instruction from said input device to a remote server, said server being operatively coupled to at least one remote display interface of the display device and being further coupled to at least one display adapted to display said graphic on said display device; and

selectively transmitting said data corresponding to said at least one instruction from said remote server to said at least one display interface wherein said at least one display interface overlays said graphic on the received video broadcast displayed on said display device to create a combined video and graphic so that both the graphic and the received broadcast video are simultaneously displayed on the display device.

2. (Previously Amended) The method of claim 1 wherein said at least one instruction includes destination address information and the step of transmitting data includes the step of transmitting the data to a remote server operatively coupled to at least one remote display interface corresponding to said destination address.

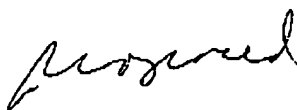
3. (Original) The method of claim 2 further comprising a plurality of remote display interfaces arranged in a peer-to-peer network.

4. (Original) The method according to claim 1 wherein said at least one instruction comprises a stylus input on a touch screen device.

*Proposed*

Docket: D2737  
Serial No. 10/062,785

5. (Original) The method according to claim 1 wherein said input device comprises a wireless handheld communication device.
6. (Original) The method according to claim 1 wherein said remote server comprises an Internet server.
7. (Original) The method according to claim 1 wherein said remote server comprises an addressable set-top box.
8. (Original) The method according to claim 1 wherein said display interface comprises a set-top box adapted to overlay graphic images on a received video broadcast displayed on a display device.
9. (Original) The method according to claim 1 wherein said remote server and said display interface comprise a Personal Video Recorder adapted to at least one of receive, overlay, record and selectively playback said graphical data on a received video broadcast for display on said display device.
10. (Original) The method according to claim 1 wherein said at least one display device comprises one of a television and a monitor.
11. (Currently Amended) An apparatus for the transmission of graphical data to a remote device comprising:
- an input module, said input module adapted to receive and store graphical data input by a user; and
  - a communication module, said communication module adapted to transmit said graphical data received by said input module;



Docket: 102737  
Serial No. 10/062,785

a remote server operatively coupled to the communication module for receiving the graphical data; and

at least one display device having a display interface operatively coupled to the remote server, said display device being adapted to display a received video broadcast and said graphical data, wherein in response to at least one user instruction said graphical data is received by said input module, said communication module transmits said graphical data to said remote server, said remote server transmits said graphical data to said display device interface, wherein said display interface overlays said graphical data on the received video broadcast displayed on said display device to create a combined video and graphic so that both the graphic and the received broadcast video are simultaneously displayed on the display device.

12. (Previously Amended) The apparatus of claim 11 wherein said graphical data includes destination address information of the display device and said remote server transmits said graphical data to the display device corresponding to the destination address.

13. (Previously Amended) The apparatus according to claim 11 wherein said input module comprises a touchscreen user interface adapted to receive a stylus input.

14. (Previously Amended) The apparatus according to claim 11 wherein said remote server comprises an addressable set-top box.

15. (Previously Amended) The apparatus according to claim 11 wherein said input and communication modules comprise a wireless handheld device.

16. (Previously Amended) The apparatus according to claim 11 wherein said remote server comprises an Internet server.

*proposed*

Docket: D2737  
Serial No. 10/062,785

17. (Previously Amended) The apparatus according to claim 11 wherein said communication module comprises a cable modem.

18. (Previously Amended) The apparatus according to claim 11 wherein said remote server comprises a computer.

19. (Previously Amended) The apparatus according to claim 11 wherein said communication module comprises a wireless modem.

20. (Previously Amended) The apparatus according to claim 11 wherein said display interface comprises an addressable set-top box.

21. (Previously Amended) The apparatus according to claim 11 wherein said graphical data comprises at least one of a manually described line, text, and a symbol.

22. (Previously Amended) The apparatus according to claim 11 wherein said remote server and said display interface comprise a Personal Video Recorder adapted to at least one of receive, overlay, record and selectively playback said graphical data on a received video broadcast for display on said display device.

23. (Currently Amended) A method for incorporating a graphic with a received ~~video~~ broadcast video displayed on a display device comprising:

receiving at a remote server at least one instruction corresponding to a graphic from an input device, said server being operatively coupled to at least one display device adapted to display said graphic thereon; and

selectively transmitting said instruction from said remote server to said at least one display device wherein said at least one display device overlays said graphic on the received

*proposed*

Docket: D2737  
Serial No. 10/062,785

video broadcast displayed on said display device to create a combined video and graphic so that both the graphic and the received broadcast video are simultaneously displayed on the display device.